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ROUTING AND TRANSMITTAL SLIP Date 14 JAN 1986

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ~~E.O/DDA~~	Bill	14 Jan
2. ~~ADDA~~		15 JAN 1986
3. ~~DDA~~		15 JAN 1986
4. ~~DDA REGISTRY~~		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

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OPTIONAL FORM 41 (Rev. 7-76)
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EXECUTIVE SECRETARIAT
ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		X		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL		X		
14	D/PAO				
15	D/PERS				
16	VC/NIC				
17	D/Security		X		
18	C/SECOM	X			
19					
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	SUSPENSE	22 Jan 86 Date			

Remarks

STAT

Executive Secretary

13 Jan 86
Date

3637 (10-81)

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The Director of Central Intelligence
Washington, D.C. 20505

Executive Registry
86- 0132x/1

13 January 1986

MEMORANDUM FOR: Chairman, SECOM

FROM: DCI

SUBJECT: H.R. 3626

Will you draft a response to this note which I can send to Congressman Wortley who is the sponsor of the bill and his Chief of Staff who is my nephew.

William J. Casey

Attachment:
Note from Lawrence Casey
w/attachments (H.R. 3626, etc.)

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12 DEC 1985

Executive Registry
86-0132x

Uncle Bill—

That was a great event on Saturday. Now it only leaves me as the last single Casey— (Thanks a lot Bernie) Now I can get started on that mission.

Here is the package I described to you on Saturday. I really would be interested in your viewpoint.

—Larry

Lawrence W. Casey
Chief of Staff

George C. Wortley
Member of Congress
27th District, New York

229 Cannon HOB
Washington, D.C. 20515
(202) 225-3701

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I

99TH CONGRESS
1ST SESSION

H. R. 3626

To establish the National Commission on Classified Information and Security Clearance Procedures.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 1985

Mr. WORTLEY (for himself, Mr. BOEHLERT, Mr. EMERSON, Mr. FISH, Mr. GALLO, Mr. GARCIA, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. MCCANDLESS, Mr. MOLINARI, Mr. NIELSON of Utah, Mr. RUDD, and Mr. DENNY SMITH) introduced the following bill; which was referred jointly to the Committees on Government Operations and the Permanent Select Committee on Intelligence

---

A BILL

To establish the National Commission on Classified Information and Security Clearance Procedures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Classified Information and Security Clearance Procedures".

SEC. 2. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Classified

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Information and Security Clearance Procedures (hereinafter in this Act referred to as the "Commission").

(b) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

SEC. 3. DUTIES OF COMMISSION.

(a) INVESTIGATION.—The Commission shall investigate—

(1) the standards and procedures used by each Federal authority to issue security clearances and to classify information;

(2) the procedures used by each Federal authority to ensure that all persons to whom a security clearance has been issued continue to meet the standards required for such clearance;

(3) the extent to which current standards and procedures for classifying information cause more information to be classified than is required by the national security; and

(4) the dangers posed to the national security by the growth in the number of persons holding security clearances.

(b) RECOMMENDATIONS.—The Commission shall make the following recommendations:

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(1) It shall recommend to each branch of the Federal Government uniform standards and procedures for issuing all security clearances. Such standards and procedures shall be designed to ensure that neither the number of security clearance holders nor the qualifications for holding a security clearance will threaten the national security.

(2) It shall recommend to each branch of the Federal Government a uniform procedure for ensuring that any person holding a security clearance continues to meet the standards required for such clearance.

(3) It shall recommend to each branch of the Federal Government uniform standards and procedures for classifying documents. Such standards and procedures shall be designed to prevent classifying documents whose classification is not necessary to the national security and to prevent the needless duplication of documents which do warrant a security classification.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members as follows:

(1) The Chief Justice of the Supreme Court of the United States.

(2) 4 Members of the House of Representatives, 2 to be appointed by the Speaker of the House of Repre-

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sentatives and 2 to be appointed by the minority leader of the House of Representative.

(3) 4 Members of the Senate, 2 to be appointed by the majority leader of the Senate and 2 to be appointed by the minority leader of the Senate.

(4) 8 individuals appointed by the President from persons whose education, training, or experience specially qualify them to serve on the Commission. Not more than 4 members appointed under this paragraph may be of the same political party.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) SECURITY CLEARANCES.—No one may be appointed to the Commission who does not hold the security clearance necessary to carry out the duties of the Commission as set out in section 3.

(c) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as the Chief Justice of the Supreme Court of the United States or as a Member of the Congress leaves such office, he may continue as a member of the Commission for not longer than the 30-day period beginning on the date he leaves such office.

(d) TERMS.—Members shall be appointed for the life of the Commission.

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(e) BASIC PAY.—Members of the Commission shall serve without pay.

(f) QUORUM.—9 members of the Commission shall constitute a quorum.

(h) CHAIRMAN.—The Chairman of the Commission shall be the Chief Justice of the Supreme Court of the United States. The Vice Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman and Vice Chairman shall be for the life of the Commission.

(i) MEETINGS.—The Commission shall meet at the call of the Chairman or Vice Chairman.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

(b) STAFF.—The Commission may appoint such additional personnel as it considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in

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excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of pay payable for GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(f) SECURITY CLEARANCES.—No one shall serve as the Director, or on the staff, of the Commission who does not hold the security clearance necessary to perform the duties of his position.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out section 3 of this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

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(b) PUBLIC ACCESS TO COMMISSION MEETINGS AND HEARINGS.—Notwithstanding section 552b of title 5, United States Code, a Commission meeting or hearing may be closed to the public when the Commission, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting or hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(d) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

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(g) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) SUBPOENA POWER.—

(1) The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 3. Such attendance of witnesses and the production of such evidence may be required from any place within the United States.

(2) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by

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a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 7. REPORT.

The Commission shall transmit a final report to the President, to each House of the Congress, and to the Supreme Court of the United States not later than one year after appropriations are first made for the Commission. The final report shall contain a detailed statement of the findings

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and conclusions of the Commission, together with whatever recommendations it makes pursuant to section 3.

SEC. 8. PUBLIC ACCESS TO COMMISSION DOCUMENTS.

Notwithstanding section 552(a) of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Commission may be withheld from public inspection when the Commission, in open session and with a majority present, determines by rollcall vote that disclosure of such documents would endanger the national security.

SEC. 9. TERMINATION.

The Commission shall cease to exist 30 days after submitting its final report pursuant to section 7.

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DECEMBER 11, 1985

CURRENT COSPONSORS
H.R. 3626, NATIONAL COMMISSION ON CLASSIFIED INFORMATION
AND SECURITY CLEARANCE PROCEDURES

Hon. Robert Badham
Hon. Joe Barton
Hon. Mario Biaggi (D)
Hon. Tom Bliley
Hon. Sherwood Boehlert
Hon. John Bryant (D)
Hon. Dan Burton
Hon. Gene Chappie
Hon. William Clinger
Hon. Dan Daniel (D)
Hon. Joe DioGuardi
Hon. Brian Donnelly (D)
Hon. Bill Emerson
Hon. Hamilton Fish
Hon. Webb Franklin
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Hon. Frank Horton
Hon. Bill Hughes (D)
Hon. Duncan Hunter
Hon. Earl Hutto (D)
Hon. Jack Kemp
Hon. Gerald Kleczka (D)
Hon. Joe Kolter (D)
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Hon. Norman Lent
Hon. Jerry Lewis
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Hon. Guy Molinari
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Hon. Howard Nielson
Hon. Ron Packard
Hon. John Porter
Hon. Harry Reid (D)
Hon. Marge Roukema
Hon. Eldon Rudd
Hon. Fernand St Germain (D)
Hon. Denny Smith
Hon. Gerald Solomon
Hon. Don Sundquist
Hon. Tom Tauke
Hon. Lindsay Thomas (D)
Hon. Tim Valentine (D)
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GEORGE C. WORTLEY
27TH DISTRICT, NEW YORK

COMMITTEES:
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SUBCOMMITTEES:
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ECONOMIC STABILIZATION
HOUSING AND COMMUNITY DEVELOPMENT
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TASK FORCE ON WOMEN AND SOCIAL SECURITY
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248 GENESEE STREET
CHITTENANGO, NY 13037
(315) 687-5027

Congress of the United States
House of Representatives
Washington, DC 20515

October 11, 1985

NATIONAL COMMISSION ON CLASSIFIED INFORMATION
AND
SECURITY CLEARANCES

Dear Colleague:

It's painfully clear that Federal agencies are having problems protecting sensitive security information. Procedures for classifying security information and materials, and issuing security clearances vary among government entities.

More than 53 percent of the Federal work force (not including employees in such highly sensitive agencies such as the CIA and National Security Agency) have some level of security clearance. It's estimated that more than 4 million Americans, federal workers and private sector citizens, hold clearances.

A comprehensive review of classification and security clearance procedures is in order. The seriousness and complexity of the problem require the establishment of a National Commission on Classified Information and Security Clearances. The commission would make a thorough investigation of the problem in all branches and at all levels of Federal government and report to Congress on its findings and recommendations. This would allow us to deal with this problem in a responsible, comprehensive manner, rather than as erratic, after-the-fact responses to breaches of security.

I plan to introduce legislation on October 22 to establish the National Commission on Classified Information and Security Clearances. Congressmen Emerson, Fish, Garcia, Gilman, Lagomarsino, Lewis (CA), McCandless, Molinari and Rudd have joined me as cosponsors. If you wish to be an original cosponsor, please notify me or have your staff contact Larry Casey or Carmel Fisk at X53701 before close of business October 21.

A summary of my proposal's provisions is printed on the reverse side of this letter.

Sincerely,

George C. Wortley
Member of Congress

GCW:cif

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National Commission on Classified Information and Security Clearances

SUMMARY OF LEGISLATIVE PROVISIONS

Commission Membership: 17 members, including Chief Justice of the Supreme Court; 4 Members of the House, 2 to be appointed by the Speaker, 2 to be appointed by the Minority Leader; 4 Members of the Senate, 2 to be appointed by the Majority Leader and 2 by the Minority Leader, and 8 members appointed by the President, not more than 4 of the same political party.

The Chief Justice shall chair the Commission. The Vice Chairman shall be elected by Commission members.

Commission's Investigative Duties: Determine standards and procedures used by each Federal authority to issue security clearances and to classify information; Investigate procedures to ensure that all persons who have been issued clearances continue to meet clearance standards; Determine if current standards and procedures for classifying information cause more information to be classified than national security requires; Identify dangers posed to national security by the growth in the numbers of persons holding security clearances.

Recommendation Responsibilities: Recommend uniform standards and procedures for issuing security clearances; Recommend uniform procedure that ensures that any person holding a security clearance continues to maintain standards required for clearance; Recommend to each branch of the Federal government standards and procedures for classifying information and documents. Standards and procedures shall be designed to prevent classifying information and documents not sensitive to national security requirements.

Commission Term: The Commission shall transmit its final report to the President, the Congress and the Supreme Court not later than 1 year after appropriations are first made for the Commission. The Commission shall cease to exist 30 days after submitting its final report.

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27TH DISTRICT, NEW YORK

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Congress of the United States
House of Representatives
Washington, DC 20515

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315 687-5027

DDA Registry
86-0066

October 29, 1985

NATIONAL COMMISSION ON CLASSIFIED INFORMATION
AND SECURITY CLEARANCE PROCEDURES

Dear Colleague:

I am writing once again to encourage your cosponsorship of H.R. 3626, to establish a National Commission on Classified Information and Security Clearance Procedures.

-- In spite of progress under Executive Order 12356, which established the Information Security Oversight Office to monitor information classification programs in the executive branch, "overclassification" remains a problem.

-- Negligence and unclear guidelines in the handling of classified information often results in it being too easily accessed by too many people.

-- According to findings of the Senate Permanent Subcommittee on Investigations, our current security clearance system cannot adequately ensure the continued integrity and reliability of the 4.2 million Americans who today hold security clearances.

-- The workload of the Defense Investigative Service increased by 44% between 1973 and 1984, while total human resources during this same period of time were reduced by 15%.

A lot of work and study have been devoted to improving our classifying and security clearance systems, providing a sound base upon which the National Commission can build. The problem is that all of these various efforts need to be pulled together so that we can get a comprehensive view of how the systems actually work, how each affects the performance of the other, and what needs to be done to have a more coherent and dependable means of protecting our national security information from espionage.

A summary of my proposal to establish a National Commission on Classified Information and Security Clearance Procedures is printed on the reverse side of this letter. If you would like to cosponsor H.R. 3626 or would like additional information, please contact me or have your staff contact Larry Casey or Carmel Fisk at x53701.

Sincerely,

George C. Wortley
Member of Congress

CURRENT COSPONSORS

Barton	Fish	Lagomarsino	Molinari
Boehlert	Gallo	Lewis (CA)	Nielson
Clinger	Garcia	McCandless	Rudd
Emerson	Gilman	McGrath	Denny Smith

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National Commission on Classified Information and Security Clearance Procedures

SUMMARY OF LEGISLATIVE PROVISIONS

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Congress of the United States
House of Representatives
Washington, DC 20515

86-0067

November 13, 1985

H.R. 3626
NATIONAL COMMISSION ON CLASSIFIED INFORMATION
AND SECURITY CLEARANCE PROCEDURES

Dear Colleague:

The recent leak of classified information regarding the Libyan Government of Colonel Qadhafi is symptomatic of the weaknesses in current procedures for handling classified information and granting security clearance procedures. I am attaching a statement I made on the House floor regarding this incident and the need for a comprehensive review of our current systems to protect national secrets.

The numerous incidents of security lapses of the past couple of years concern me very deeply. Consequently, I began to look into our current systems for protecting sensitive information to see what weaknesses may have contributed to these lapses. It soon became apparent that there were serious problems in the coordination, consistency, and enforcement of these systems. Limited improvements have been made, but the whole system needs an overhaul.

To meet this need, I have introduced H.R. 3626, to establish a National Commission on Classified Information and Security Clearance Procedures. I encourage you to join me in this effort by cosponsoring this bill.

If you would like to cosponsor H.R. 3626 or would like additional information, please contact me or have your staff contact Larry Casey or Carmel Fisk at x53701.

Sincerely,

George C. Wortley
Member of Congress

CURRENT COSPONSORS

Barton	Gallo	Lewis (CA)	Nielson
Boehlert	Garcia	McCandless	Porter
Clinger	Gilman	McGrath	Rudd
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Fish	Lagomarsino	Neal	Valentine

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Vol. 131 WASHINGTON, MONDAY, NOVEMBER 4, 1985 No. 150

Congressional Record

LEAK OF ALLEGED CIA PLAN AGAINST COLONEL QADHAFI

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, according to press reports, someone has apparently violated the trust placed in them and leaked classified information and materials regarding a plan to destabilize the Libyan Government of Colonel Qadhafi.

Colonel Qadhafi actively supports and sponsors terrorism in other nations and is an aggressor against his neighbors. In my opinion, a plan to combat his activities—even if it means destabilizing his government—would be no more than a justifiable response to the terror, pain, and suffering he has caused in his own nation, the Middle East, and several other countries around the world.

But, Mr. Speaker, regardless of whether or not the infamous source provided accurate information, it is extremely disturbing that sensitive policy options cannot be discussed without the possibility—and even the probability—of some disgruntled individual leaking information. This is neither an appropriate nor an honorable way for participants in policy formulation to express their opposition to policy decisions.

The person responsible for the leak should be found and punished. The majority of people with access to sensitive information argue their positions in an honest manner and behave responsibly if, in the end, the policy decision goes against their advice. But a single leaker can jeopardize a policy and the entire system of policy formulation. Without corrective action, the effect could be paralysis. I congratulate the administration on its determination to find the source of the leak.

This incident contributes to serious concerns about the adequacy of the current system of protecting sensitive information. I firmly believe it is time for us to take a long and hard look at this problem and have introduced H.R. 3626, to establish a National Commission on Classified Information and Security Clearance Procedures for this purpose. I urge my colleagues to cosponsor this bill and support action on it.

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THE HONORABLE GEORGE C. WORTLEY
EXTENSION OF REMARKS
DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1986
October 30, 1985

Mr. Speaker, the report language of the Department of Defense Appropriation bill contains a statement in support of the $25 million provided in the Defense Authorization bill to reduce the backlog of security clearance investigations. It also expresses support for the proposal that the Defense Investigative Service charge for performing investigations in order to help reduce unnecessary requests for security clearances.

Both actions are positive. But they are not enough.

Two events currently in the news highlight the failings of current systems in protecting vital security information. The first is the Walker spy case. The second is the discovery of classified material in DoD furniture sent to a federal prison for repair. The first incident illustrates problems with our security clearance and reinvestigation procedures, and the second indicates problems with the way classified material is handled.

In the case of the classified material, various officials seem to be busy passing the buck or explaining away the lapse in security. This raises two questions: if the information wasn't that sensitive, why was it classified, and if it was sensitive, why wasn't it handled with more care? What guarantee do we have that more sensitive material is handled with any more care?

The point is that both our classification and security clearance systems need to be thoroughly reviewed so that we can get a comprehensive view of how the systems actually work -- or don't work --, how each affects the performance of the other, and what needs to be done to have a more coherent and dependable means of protecting our national security information from espionage and carelessness.

The wide-ranging and complex nature of this problem requires a comprehensive approach. I urge my colleagues to support H.R. 3626, a bill I have introduced to establish a National Commission on Classified Information and Security Clearance Procedures.

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THE HONORABLE GEORGE C. WORTLEY

NATIONAL COMMISSION
ON
CLASSIFIED INFORMATION AND SECURITY CLEARANCE PROCEDURES
December 2, 1985

Mr. Speaker, this country is experiencing a distressing rash of security breaches. In 1985 alone, more than 10 people have been charged with passing sensitive security information to foreign agents, four of them in the last two weeks.

The scope of the problem is extensive. The military, the CIA, the National Security Agency, the FBI, government contractors, and the legislative branch have all had people involved in jeopardizing our national security secrets.

It is time we took a comprehensive and critical look at the two primary means of protection: classification of information and security clearance procedures.

For that purpose, my bill, H.R. 3626, establishes a National Commission on Classified Information and Security Clearance Procedures. It will have one year in which to make a government-wide study of these systems and submit recommendations on how to improve them.

Over 4 million Americans have some level of security clearance. Combined with the massive volume of classified information, the potential for espionage, leaks and just plain carelessness is frightening. Current efforts to address various weaknesses in our current protective systems are not enough. We need a broad-based coordinating group to discern the problems, focus attention on them, and recommend corrective action.

Haphazard, piecemeal legislation will provide -- at best -- incomplete solutions. I urge my colleagues to cosponsor the comprehensive and coherent approach embodied in H.R. 3626.

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